

**Surrey Heath Borough Council**  
**Audit and Standards Committee**  
**21<sup>st</sup> November 2022**

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**Annual Standards Report from the Monitoring Officer**

<b>Portfolio Holder:</b>	N/A
<b>Report Author:</b>	<b>Monitoring Officer</b>
<b>Wards Affected:</b>	N/A

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**Summary and purpose**

To update the Audit and Standards Committee on any standards issues. The Monitoring Officer has an obligation to report to the Committee annually to provide details of complaints made against Cllrs and standards issues. The Monitoring Officer also has an obligation to report on waivers authorised by the Council.

**Recommendation**

The Committee is advised to RESOLVE to note the contents of this Annual Standards Report.

**1. Reasons for Recommendation**

1.1 The Monitoring Officer is required to report to the Committee annually to update on standards matters and issues and waivers.

**2. Key Issues and matters**

2.1 In March this year the Monitoring Officer provided Code of Conduct training to Members of the Planning Committee. The training was part of a package of training provided to Members on the Committee. The purpose of the training was to explore in more detail the limits of freedom of speech and namely the point at which speech is likely to breach the Code of Conduct. The training focussed on this aspect because most confusion and concerns relate to uncertainty on when speech may breach the Code of Conduct. The training was well-received and the feedback suggests the training provided a greater understanding of the legal framework for political speech and expression.

2.2 A team of officers is currently developing a new Members' induction programme to welcome newly elected Members in May 2023. The programme will include presentations on core Council themes, training on key topics and an

opportunity for members to meet officers from service departments. The team is very much focussed on ensuring that the induction programme helps prepare members for office.

- 2.3 The 2021/2022 Annual Governance Statement was reworked to include high level information regarding governance issues for each service department. The intension of this change was to shine a spotlight on the governance weaknesses for each service department and explain how those weaknesses are being addressed or have been addressed. The process followed was for service departments to send completed management assurance statements directly to Internal Audit. Internal Audit then used the information to populate the Annual Governance Statement.
- 2.4 In July of this year, the Monitoring Officer reported to the Governance Working Group the Government's response to the Committee for Standards in Public Life's 2019 report which listed 26 recommendations to update and improve standards in Local Government. The full response is contained in Annex A of this report. The summary below confirms the Government's intended actions, however no timescales have been provided.

**Recommendation 2** – The Government will engage with interested parties on the best means to ensure that Candidates and Councillors are not required to publicly disclose their home address.

**Recommendations - 10, 12, 13, 14 and 16** The Government will engage with sector representative bodies of Councillors and Officers of all tiers of Local Government to seek views on options to strengthen sanctions to address breaches of the code which fall below the bar of criminal activity and related sanctions but involve serious incidents of bullying and harassment or disruptive behaviour.

**Recommendation 22** - The Government will engage with sector representative bodies of all tiers of Local Government to seek views on amending the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 to provide disciplinary protections for statutory officers.

### 3. Waivers

- 3.1 Since November 2021 a total of 16 applications to waive contract standing orders have been approved. The approval process requires the agreement of the Monitoring Officer and Section 151 Officer. Approved waivers grant permission to proceed to appoint a contractor without a procurement process. In summary, the reasons for applications are typically urgency and/or that it is in the best interests of the Council to appoint a particular contractor. It must be noted that it is not currently possible to waive contract standing orders for contracts with values over the applicable EU thresholds. The Council's contract standing orders will be reviewed once the Procurement Bill becomes law and

criteria for approving waivers may change. The table below lists the expenditure under waivers per service department.

IT	£82,446
Planning	£197,256
Community services	£39,460
Finance	£25,000
JWS	£30,000
Investment and Development	£194,500
Housing	£15,008
<b>TOTAL</b>	<b>£583,670</b>

- 3.2 Of the total expenditure, £232,000 was attributable to legal services which is clearly a significant sum. However, it must be noted that £150,000 of this total relates to progressing the local plan and, as such, much lower spend would be expected going forwards.

#### **4. Monitoring Officer's reports and investigations**

- 4.1 Compared to the year November 2020 to November 2021, a lower number of complaints have been received both at Borough and Parish level. The Monitoring Officer considered that one complaint against two Parish Cllrs warranted formal investigation and subsequently referred the complaint to an Investigation Panel. A copy of the Panel's report is provided in Annex B. The Independent Person was consulted as required under the process. The Panel's recommendations were accepted by Jane Clark (formerly Cllr Jane Clark). Given the apologies provided, and with the agreement of the complainant, it was determined that a hearing was unnecessary. Regarding Malcolm Vaughan, (formerly Cllr Malcolm Vaughan) at the present time a resolution is outstanding. It is important for Members to note that the Investigation Panel's findings are based on, and limited to, the information and evidence the Panel was able to obtain during the investigation. Jane Clark and Malcolm Vaughan were invited to attend interviews with the Panel but both were unable to attend. Timescales were extended to assist with further dates for interviews without success.
- 4.2 Regarding all other complaints that did amount to minor breaches of the Code of Conduct, the Monitoring Officer was satisfied that these could be resolved without investigation. A total of 16 complaints were made from November last year; 8 complaints were against Surrey Heath Borough Cllrs and 8 complaints were against Parish Cllrs. 9 Complaints were dismissed as without merit.
- 4.3 Last year's Annual Standards Report highlighted the particular difficulties at Bisley Parish Council and the Monitoring Officer is pleased to report that the Parish Council appears more stable at the present time.

#### **5. Resource Implications**

- 5.1 None

## **6. Section 151 Officer Comments**

6.1 None

## **7. Legal and Governance Issues**

7.1 As set out in this report

## **8. Monitoring Officer Comments:**

8.1 The Monitoring Officer is required to report to the Committee annually to update on standards matters and issues and waivers.

## **9. Other Considerations and Impacts**

### **Environment and Climate Change**

9.1 N/A

### **Equalities and Human Rights**

9.2 N/A

### **Risk Management**

9.3 N/A

### **Community Engagement**

9.4 N/A

## **Annexes**

Annex A – Government’s response to 2019 report from the Committee on Standards in Public Life.

Annex B – Investigation Panel’s report on allegations of misconduct.

## **Background Papers**

None